

**PUBLIC NOTICE**  
**INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**  
**CITY OF SAN JOSÉ, CALIFORNIA**

***Project File Number, Description, and Location***

**PDC04-052**, Planned Development Rezoning from R-2 Residence District to A(PD) Planned Development Zoning District to allow up to 24 single-family attached residences on an approximately 1.10-acre site. Subsequent permits include a Planned Development permit and Tentative Map.

(Volunteers of America, Bay Area, Inc., Core Development, Inc., Developer).

Council District: 5

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

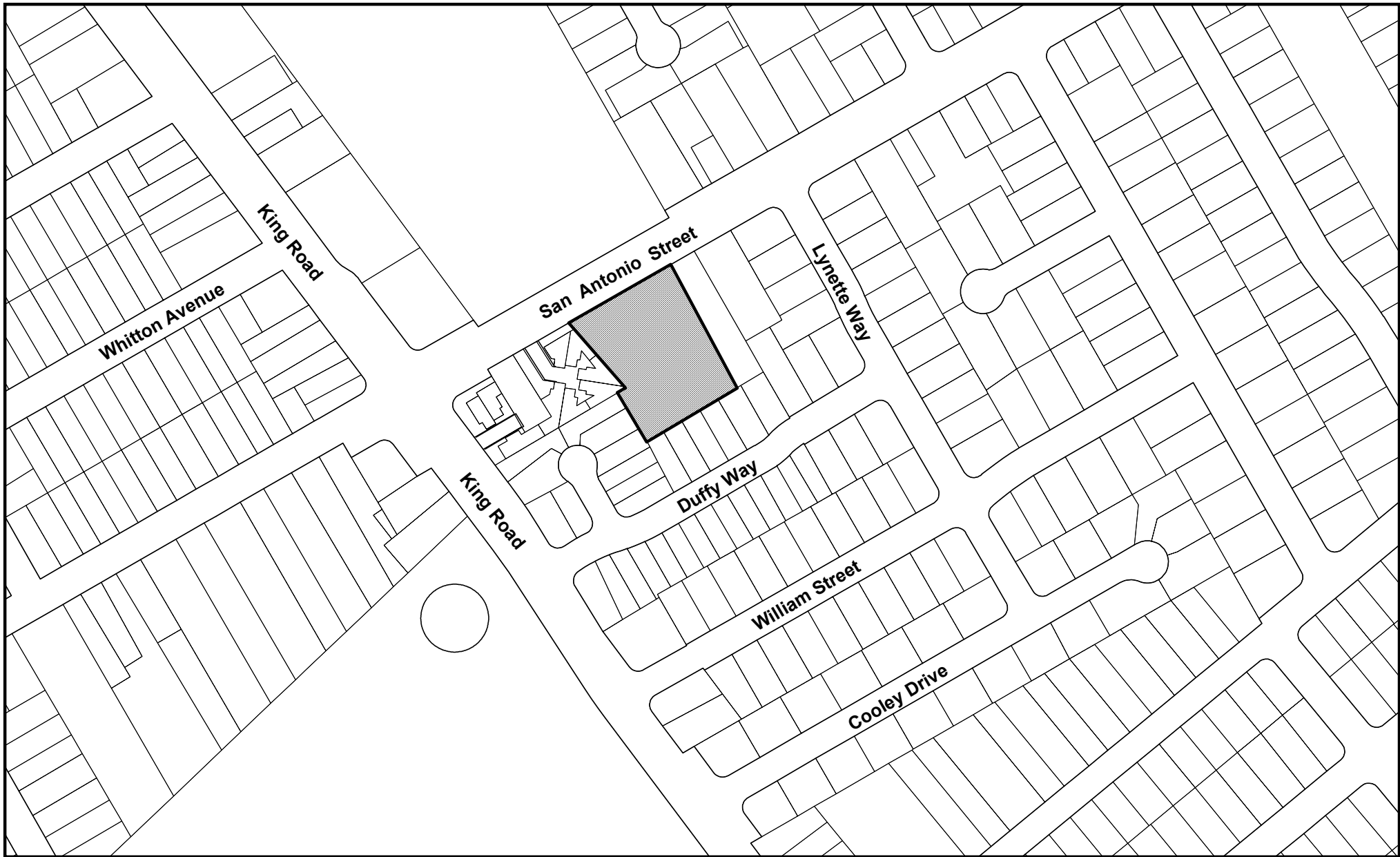
Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **November 16, 2004**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **October 28, 2004** and ends on **November 16, 2004**.

A public hearing on the project described above is tentatively scheduled for November 17, 2004 at 6:00 p.m in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the East San Jose Carnegie Branch Library 1102 E. Santa Clara Street, San José, CA 95116 San Jose, and online at <http://www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2004.htm> Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Deanna Chow** at (408) 277-4576.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

Circulated on: October 28, 2004

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Deputy



Scale: 1"=240'  
Date: 06/02/2004



**File No: PDC04-052**

**District: 5**

**Quad No: 68**

**DRAFT  
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**NAME OF PROJECT:** San Antonio Place

**PROJECT FILE NUMBER:** PDC04-052

**PROJECT DESCRIPTION:** Planned Development rezoning and associated permits for construction of up to 24 single-family attached residential units on a 1.10 acre site.

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** 1716 East San Antonio Road (APN 481-26-083)

**COUNCIL DISTRICT:** 5

**NAME OF APPLICANT:**

Core Development, Inc.  
Attn: Paul Ring

**MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:**

470 S. Market Street  
San Jose, CA 95113  
(408) 292-7841

**FINDING**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

**MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY  
SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

**Air Quality**

The following construction practices shall be implemented during all phases of construction for the proposed project.

1. Water all active construction areas at least twice daily or as often as needed to control dust emissions.
2. Cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
3. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
4. Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.
5. Sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material.
6. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
7. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust.
8. Limit traffic speeds on unpaved roads to 15 mph.
9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
10. Replant vegetation in disturbed areas as quickly as possible.

### **Biological Resources**

All non-orchard trees that are to be removed shall be replaced at the following ratios:

- Each tree less than 12" in diameter to be removed = one 15 gallon tree
- Each tree 12" to 18" diameter to be removed = two 24" box trees
- Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees. Each tree greater than 18" diameter to be removed = four 24" box trees

The species and exact number of trees to be planted on the site will be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented at the permit stage:

- An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the City's Environmental Principal Planner.
- A donation of \$300 per mitigation tree to San Jose Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

### **Geology and Soils**

The project shall be designed to incorporate standard engineering techniques and in conformance with the Uniform Building Code and as stated in the geotechnical report. In addition the project shall conform to City of San Jose National Pollution Discharge Elimination System (NPDES) Storm Water Permit.

### **Hazards and Hazardous Materials**

As required by state law, an asbestos and lead survey shall be conducted by a licensed consultant prior to demolition. The project shall implement all feasible recommendations in the asbestos and lead survey.

### **Hydrology and Water Quality**

This project will result in a land disturbance of more than one acre. Prior to the commencement of any clearing, grading, or excavation, the project shall comply with the State Water Resources Control Board's National Discharge Elimination System (NPDES) General Construction Activities Permit as follows:

The following mitigation measures will be included in the project to conform to the current non-point source programs and to avoid or reduce hydrologic impacts to a less than significant level:

1. The proposed development will comply with the NPDES permit issued to the City of San Jose and other co-permittees of the SCVURPPP, and will include measures to control pollutants discharged to the storm water system. Future activities that require a permit from the City of San Jose will need to be evaluated for BMP's including, but not limited to the following: storm water retention or detention structures; use of landscaped-based storm water treatment measures, such as biofilters and vegetated swales to manage runoff from the site; minimization of impervious surfaces and increased use of permeable pavement; if inlet filters are used, a maintenance program to maintain the functional integrity of the systems; damp sweeping of streets and on site parking areas; routine storm drain cleaning, and; covering of dumpsters and materials handling areas
2. Prior to the commencement of any grading, clearing, or excavation the project developer shall comply with the City of San Jose's Municipal Code and the State Water Resources Control Board (SWRCB) NPDES General Construction Activities Permit as follows: The applicant shall develop, implement, and maintain a SWPPP. The SWPPP must specifically address BMP's that will be included in the project to the maximum extent practicable, for both the construction and post construction periods. The SWPPP would include erosion and sediment control measures, waste disposal controls. The developer shall maintain a copy of the most current SWPPP on site and shall provide a copy to any City representative or inspector on demand; the developer shall file a Notice of Intent (NOI) to be covered by the NPDES General Permit for Construction Activity with the SWRCB 30 days prior to any construction on the site.
3. In addition, the SWPPP must include a description of erosion control practices, which may include BMP's as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities.
4. The project will conform to the City's Grading Ordinance during construction. Prior to issuance of a grading permit, the developer shall submit copies of the NOI and Erosion Control Plan to the City Project Engineer at the Department of Public Works.

## **Noise**

All units shall be built in conformance with Title 24, to the satisfaction of the Chief Building Official. The following specific mitigation shall also be incorporated into the project.

**Ventilation-***For habitable rooms overlooking San Antonio Street*, adequate ventilation must be available in the event that inhabitants wish to keep the windows shut due to the noise. All such units shall have forced air ventilation systems to allow the windows to remain closed so that an interior noise level of 45 dBA can be achieved. Prior to issuance of occupancy permits, building plans for all units will be checked by a qualified acoustical consultant to ensure that noise levels are attenuated sufficiently in conformance with Title 24.

**Windows-** *For habitable rooms overlooking San Antonio Street*, windows shall be weather-stripped and sealed airtight into window openings. Minimum STC 30 laboratory rated windows with frames shall be installed to bring the project into conformance with Title 24.

**Entry Doors-***Town homes that are entered from San Antonio Street* must be minimum STC-26 assemblies.

**Temporary Construction Impacts-** Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate

mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.

Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.

## **PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **November 16, 2004**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$100 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

Circulated on: October 28, 2004

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Deputy

Adopted on: \_\_\_\_\_

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Deputy

MND/JAC 12/29/03